

133 Rec'd PCT/DO 06 FEB 2006

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

DUBEY ET AL.

Serial No. 10/540,556

Filed: June 24, 2005

Atty. Ref.: 4062-167

TC/A.U.: To be assigned

Examiner: To be assigned

For: A PROCESS FOR THE PREPARATION OF
ENANTIOMERICALLY PURE (R) OR (S)-5-(2-
AMINOPROPYL)-2-METHOXYBENZENESULFONAMIDE

* * * * *

February 6, 2006

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

**NOTIFICATION OF PRIOR RESPONSE TO
PCT/DO/EO/905**

A PCT/DO/EO/905 (Notification of Missing Requirements Under 35 U.S.C. 371
in the United States Designated/Elected Office (DO/EO/US) dated December 15, 2005
(copy attached) alleging lack of an inventor's declaration.

However, on December 13, 2005, applicant did already make a second submission
which included an inventors' declaration. A copy of the papers filed December 13, 2005
is attached together with a copy of the USPTO Mail Room postcard receipt. The
surcharge for late filing was also already paid with applicant's June 24, 2005 submission.

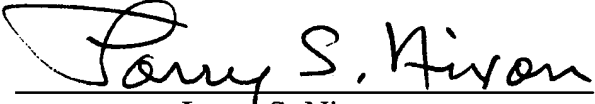
DUBEY ET AL.
Serial No. 10/540,556

Accordingly, a filing receipt verifying the December 13, 2005 35 U.S.C. §102(e)

US filing date is believed in order and is requested.

Respectfully submitted,

NIXON & VANDERHYTE P.C.

By: 
Larry S. Nixon
Reg. No. 25,640

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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U.S. APPLICATION NUMBER NO. 10/540,556	FIRST NAMED APPLICANT Sushil K Dubey	ATTY. DOCKET NO. 4062-167
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INTERNATIONAL APPLICATION NO.

PCT/IN02/00244

I.A. FILING DATE 12/26/2002	PRIORITY DATE
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23117

NIXON & VANDERHYE, PC
 901 NORTH GLEBE ROAD, 11TH FLOOR
 ARLINGTON, VA 22203

DOCKETED

RE/MATTER # 4062-17
 DATE 12/15/05
 DATE FEB 15 2006
 DATE JUL 15 2006
 FILED BY BAK / PAK

CONFIRMATION NO. 5359

371 FORMALITIES LETTER



OC000000017635136

Date Mailed: 12/15/2005

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 06/24/2005
- Copy of the International Search Report filed on 06/24/2005
- Copy of IPE Report filed on 06/24/2005
- Preliminary Amendments filed on 06/24/2005
- Information Disclosure Statements filed on 06/24/2005
- Request for Immediate Examination filed on 06/24/2005
- U.S. Basic National Fees filed on 06/24/2005

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

CHARITTA A BURT

Telephone: (703) 308-9140 EXT 207

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/540,556	PCT/IN02/00244	4062-167

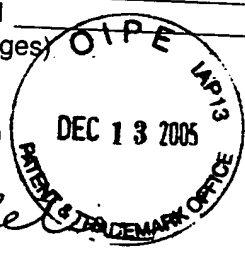
FORM PCT/DO/EO/905 (371 Formalities Notice)

Serial No.: 10/ 541, 56
Applicant: DUBEY ET AL
Title:

Atty: LSW
Date: 12-13-05
Client: 4062
Ref: 167

- _____ Amendment
- _____ Pages Specification
- _____ Claims
- _____ Sheets Drawings: Formal _____
- _____ Informal _____
- ☒ Declaration (2 Pages)
- ☒ Assignment
- _____ Priority Document
- _____ Base Issue Fee Transmittal
- 40.00 Fee (Check)

Other: PCT complete



4062-167

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371**

U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5)

10/540,556

INTERNATIONAL APPLICATION NO.
PCT/IN2002/000244INTERNATIONAL FILING DATE
26 December 2002

PRIORITY DATE CLAIMED

TITLE OF INVENTION

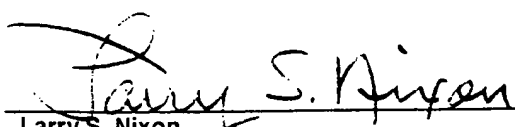
A PROCESS FOR THE PREPARATION OF ENANTIOMERICALLY PURE (R) OR (S)-5-(2-AMINOPROPYL)-2-METHOXYBENZENESULFONAMIDE

APPLICANT(S) FOR DO/EO/US

DUBEY ET AL.

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☐ The U.S. has been elected (Article 31).
5. A copy of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☐ is attached hereto (pages specification, claims & abstract (claims), sheets drawings).
 - b. ☐ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(3))
 - a. ☐ is attached hereto (pages specification, claims & abstract (claims), sheets drawings, page Certificate of Translation).
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has **NOT** expired.
 - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9.
 - a. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
 - b. ☐ Declaration was submitted to the International Bureau during International Phase (see copies of Declaration (page Form PCT/RO/101 and Form PCT/IB/371 and first page of printed publication acknowledging receipt thereof attached).
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).
Items 11 To 20 below concern document(s) or information included:
11. ☐ An Information Disclosure Statement under 37 C.F.R. 1.97 and 1.98.
12. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 C.F.R. 3.28 and 3.31 is included.
13.
 - a. ☐ A **FIRST** preliminary amendment.
 - b. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
14. ☐ An Application Data Sheet under 37 C.F.R. § 1.76.
15. ☐ A substitute specification.
16. ☐ A change of power of attorney and/or address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821-1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☐ Other items or information.

U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.53(a)) 10/540,556		INTERNATIONAL APPLICATION NO. PCT/IN2002/000244		ATTORNEY'S DOCKET NUMBER 4062-167		
<input checked="" type="checkbox"/> The following fees are submitted:						
BASIC NATIONAL FEE (37 C.F.R. 1.492(a)(1)-(5):						
<input type="checkbox"/> Basic national fee \$300.00 (1631)/\$150.00 (2631)				S		
22.	<input type="checkbox"/> Examination Fee \$0 (1643/2643)				S	
..... \$200.00 (1633)/\$100.00 (2633)				S		
23.	<input type="checkbox"/> Search Fee \$0 (1640/2640)				S	
..... \$100 (1641)/\$50 (2641)				S		
..... \$400 (1642)/\$200 (2642)				S		
..... \$500.00 (1632)/\$250.00 (2632)				S	0.00	
TOTAL OF ABOVE CALCULATIONS						
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.						
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)		RATE		
0 -100	0	/50 =	0.00	S \$0.00 (1681)		
				S \$0.00 (2681)		
Surcharge of \$130.00 (1617)/\$65.00 (2617) for furnishing the oath or declaration later than <input type="checkbox"/> 30 months from the earliest claimed priority date (37 C.F.R. 1.492(e)).					S	
CLAIMS	NUMBER FILED	# EXTRA	RATE			
Total Claims	minus 20	0 X	\$50.00 (1615)/	\$25.00 (2615)	S	
Independent Claims	minus 3 =	0 X	\$200.00 (1614)	\$100.00 (2614)	S	
MULTIPLE DEPENDENT CLAIMS(S) (if applicable)			\$360.00 (1616)/\$180.00 (2616)		S 0.00	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.						
Processing fee of \$130.00 (1618), for furnishing the English Translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 C.F.R. 1.492(f)).					S 0.00	
TOTAL NATIONAL FEE =					S 0.00	
Fee for recording the enclosed assignment (37 C.F.R. 1.21(h). The assignment must be accompanied by an appropriate cover sheet (37 C.F.R. 3.28, 3.31). \$40.00 (8021) per property					S 40.00	
Fee for Petition to Revive Unintentionally Abandoned Application; \$1500.00 (1453) / \$750.00 (2453)					S 0.00	
TOTAL FEES ENCLOSED =					S 40.00	
					Amount to be refunded: S	
<p>a. <input checked="" type="checkbox"/> A check in the amount of \$40.00 to cover the above fees is enclosed.</p> <p>b. <input type="checkbox"/> Please charge my Deposit Account No. 14-1140 in the amount of \$_____ to cover the above fees. A duplicate copy of this form is enclosed.</p> <p>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 14-1140. A duplicate copy of this form is enclosed.</p> <p>e. <input checked="" type="checkbox"/> The entire content of International Application No. PCT/IN2002/000244 and any U.S. and foreign application(s) corresponding thereto, and _____, referred to in this application is/are hereby incorporated by reference in this application.</p> <p>NOTE: Where an appropriate time limit under 37 C.F.R. 1.494 or 1.495 has not been met, a petition to revive (37 C.F.R. 1.137(a) or (b) must be filed and granted to restore the application to pending status.</p> <p>CORRESPONDENCE ADDRESS</p> <p>Direct all correspondence to:</p> <p><input checked="" type="checkbox"/> Customer Number: 23117 <small>Type Customer Number here</small></p>						
<p>Telephone: (703) 816-4000</p> <p style="text-align: right;">  Larry S. Nixon NAME 25,640 December 13, 2005 REGISTRATION NUMBER Date </p>						